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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/633,846	08/07/2000	Dave Frederickson	12368/79201	3409

7590

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EXAMINER

SIMONE, CATHERINE A

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 07/18/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/633,846

Applicant(s)

FREDERICKSON ET AL.

Examiner

Catherine Simone

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 and 19-49 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 and 26-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16, 17 and 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Withdrawn Rejections*

1. The 35 USC 112 rejection of claims 20-25 of record in Paper #4, Page 4, Paragraph #3 has been withdrawn due to the Applicant's amendment in Paper #5.
2. The 35 USC 102 rejection of claims 16-18 as anticipated by Levine of record in Paper #4, Pages 4 and 5, Paragraph #5 has been withdrawn due to the Applicant's amendment in Paper #5.
3. The 35 USC 103 rejection of claims 19 -25 of record in Paper #4, Pages 5 and 6, Paragraph 7 has been withdrawn due to the Applicant's amendment in Paper #5.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. **Claims 16-25** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitations "having a width and a thickness defining first and second sides and a pair of edge regions" and "having substantially consistent thickness at the first and second sides and at the edge regions" in **claim 16** are deemed vague and indefinite. Clarification is requested.

The recitation “has a greater thickness at about the edge regions and on the first and second sides adjacent the edge regions defining a dog-bone profile” in claim 17 is deemed vague and indefinite. How much is greater? Clarification is requested.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 16 and 19-25** are rejected under 35 U.S.C. 102(b) as being anticipated by Winkle, Sr. et al. (5,176,755).

Winkle, Sr. et al. discloses a corrosion-resistant coated and cured strap comprising an elongated metal strap base element, the metal strap base element having a width and a thickness (see col. 7, lines 52-55 and see col. 9 and 10, Table 3) defining first and second sides and a pair of edge regions; and a melted and cured powder coating on the base element (see col. 2, lines 9-17); the coating having substantially consistent thickness at the first and second sides and at the edge regions (see col. 2, lines 40-43). Regarding **claim 19**, the powder is an epoxy material (see col. 5, lines 46-48). Regarding **claims 20-25**, note the coating has a thickness as recited in claims 20-25 (see col. 5, lines 48-54).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Winkle, Sr. et al. (5,176,755) in view of Levine (4,601,958).

Winkle, Sr. et al. discloses a corrosion-resistant coated and cured strap comprising an elongated metal strap base element, the metal strap base element having a width and a thickness (see col. 7, lines 52-55 and see col. 9 and 10, Table 3) defining first and second sides and a pair of edge regions; and a melted and cured powder coating on the base element (see col. 2, lines 9-17); the coating having substantially consistent thickness at the first and second sides and at the edge regions (see col. 2, lines 40-43). However, Winkle, Sr et al. fails to disclose the coating thickness defining a dog-bone profile. Levine teaches a dog-bone thickness profile (see col. 4, line 38) in the art for the purpose of minimizing corrosion to a metal strap.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the coating thickness in Winkle, Sr. et al. to define a dog-bone profile as suggested by Levine in order to minimize corrosion to a metal strap.

### ***Response to Arguments***

10. Applicant's arguments filed in Paper #5 regarding the 35 USC 102 rejection of claims 16-18 as anticipated by Levine have been carefully considered but are moot due to the new grounds of rejection.

11. Applicant's arguments filed in Paper #5 regarding the 35 USC 103 rejection of claims 19-25 over Levine have been carefully considered but are moot due to the new grounds of rejection.

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*Conclusion*

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (703) 605-4297. The examiner can normally be reached on 9:00-5:30.

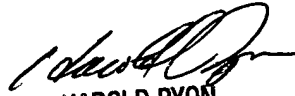
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (703) 308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

CAS

Catherine Simone  
Examiner  
Art Unit 1772

July 11, 2002

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER 7/12/02  
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